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Attorneys for Defendant  
 THE NEIMAN MARCUS GROUP, INC.  
 (erroneously sued as NEIMAN MARCUS  
 HOLDINGS, INC.)

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

TAYLER BAYER,

Plaintiff,

vs.

NEIMAN MARCUS HOLDINGS, INC.

Defendant.

) CASE NO. 11-CV-03705-MEJ

)  
 ) **STIPULATION TO AMEND COMPLAINT**  
 ) **BY SUBSTITUTING CORRECT NAME**  
 ) **OF DEFENDANT AND**  
 ) **~~PROPOSED~~ ORDER THEREON**

STIPULATION TO AMEND COMPLAINT BY SUBSTITUTING  
 CORRECT NAME OF DEFENDANT

1 WHEREAS, Plaintiff TAYLER BAYER ("Bayer" or "Plaintiff") named "NEIMAN  
2 MARCUS HOLDINGS, INC." ("NMH") as the Defendant in the Complaint filed by Bayer on  
3 July 27, 2011 and further alleged in the Complaint that NMH had been Bayer's employer; and

4 WHEREAS, the parties have agreed that Bayer's employer was "NEIMAN MARCUS  
5 GROUP, INC." ("NMG") rather than NMH, and that the named Defendant should have been  
6 NMG rather than NMH; and

7  
8 WHEREAS, the parties have stipulated that Plaintiff may amend the Complaint to  
9 substitute NEIMAN MARCUS GROUP, INC. as the Defendant in place of NEIMAN MARCUS  
10 HOLDINGS, INC., and that Plaintiff may amend the Complaint to substitute NEIMAN  
11 MARCUS GROUP, INC. in place of NEIMAN MARCUS HOLDINGS, INC. whenever that  
12 incorrect name appears in the Complaint; and

13  
14 WHEREAS, the parties have stipulated that Plaintiff need not re-serve the Complaint on  
15 NEIMAN MARCUS GROUP, INC.,

16 IT IS HEREBY STIPULATED AND AGREED as follows:

17 1. The Complaint shall be amended to substitute the name NEIMAN MARCUS  
18 GROUP, INC. as the Defendant in place of NEIMAN MARCUS HOLDINGS, INC., and the  
19 Complaint shall be amended to substitute the name NEIMAN MARCUS GROUP, INC. in place  
20 of the name NEIMAN MARCUS HOLDINGS, INC. whenever that name appears in the body of  
21 the Complaint.

22 2. Plaintiff need not re-serve the Complaint on NEIMAN MARCUS GROUP, INC.

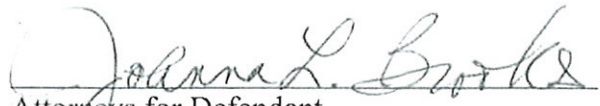
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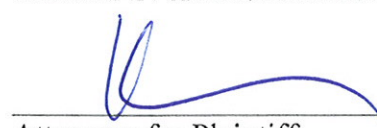
JACKSON LEWIS LLP

Dated: September 19, 2011

  
Attorneys for Defendant  
The NEIMAN MARCUS GROUP, INC.  
(erroneously sued as NEIMAN MARCUS  
HOLDINGS, INC.)

McGUINN HILLSMAN & PALEFSKY

Dated: September 19, 2011

  
Attorneys for Plaintiff  
TAYLER BAYER

**ORDER**

The Court having considered the Stipulation set forth above, and good cause appearing, IT IS HEREBY ORDERED AS FOLLOWS:

1. The Complaint shall be amended to substitute the name NEIMAN MARCUS GROUP, INC. as the Defendant in place of NEIMAN MARCUS HOLDINGS, INC., and the Complaint shall be amended to substitute the name NEIMAN MARCUS GROUP, INC. in place of the name NEIMAN MARCUS HOLDINGS, INC. whenever that name appears in the body of the Complaint

2. Plaintiff need not re-serve the Complaint on NEIMAN MARCUS GROUP, INC.

Dated: September 21, 2011

  
HONORABLE MARIA-ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE

STIPULATION TO AMEND COMPLAINT BY SUBSTITUTING  
CORRECT NAME OF DEFENDANT